

No.PD-0712-16
In the
Court of Criminal Appeals
At Austin

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COURT OF CRIMINAL APPEALS
8/7/2017
DEANA WILLIAMSON, CLERK

Appeal from Dallas County

ROBERT MONTE PRICHARD
Appellant
V.
THE STATE OF TEXAS
Appellee

THE HARRIS COUNTY DISTRICT ATTORNEY'S OFFICE
AMICUS CURIAE MOTION FOR REHEARING

KIM OGG
District Attorney
Harris County, Texas

KIMBERLY APERAUCH STELTER
Assistant District Attorney
Harris County Criminal Justice Center
1201 Franklin, Suite 600
Houston, Texas 77002
Telephone: 713.274.5826
stelster_kimberly@dao.hctx.net

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

GROUND FOR REHEARING

This Court has created an extra-statutory requirement, not found in the language of the “deadly weapon” statute nor specified by the legislature, that requires the designation of a human “victim or recipient” of order to support a deadly weapon finding.

“HOUSTON [July 28, 2017] – A Houston [man] has been arrested in a horrific case of animal abuse. Dwain Ray Riley tied the family dog to the wheel of a van, wrapped his head and eyes in duct tape and repeatedly bashed him with a crowbar, according to the Harris County District Attorney’s Office.... Riley, 58, was arrested by Houston police and charged with animal cruelty. If convicted, he could get up to two years in jail.”¹

“Up to two years in jail” may not seem like much given the cruelty and violence with which this defendant carried out his crime. However, there is some solace in the fact that the State could charge, and a judge or jury find, that the crowbar used with such depravity in this offense was, “in the manner of its use or intended use,” a deadly weapon. Tex. Penal Code § 1.07(a)(17)(B). As a result, the defendant could be subject to a stricter

¹ <http://www.khou.com/news/crime/houstonian-accused-of-beating-pet-dog-with-crow-bar/459636046>, retrieved August 1, 2017.

penalty (Tex. Penal Code § 12.35(c)(1), providing for a state jail felony to be punished as a third degree felony if a deadly weapon finding is made) or limited in his eligibility for community supervision and parole (See Tex. Code Crim. Proc. art. 42.12 §3(g)(a)(1), providing that a judge may not order community supervision when a deadly weapon finding is made, and Tex. Gov't Code 508.145 (d)(1), requiring that those with a deadly weapon finding serve one half of their sentence before being eligible for parole.)

Unfortunately, this Court's decision in *Prichard v. State*, __S.W.3rd __, 2017 WL 2791524 (Tex. Crim. App. 2017), by finding the definition of a "deadly weapon" ambiguous and then adding restrictive language not found in the definition to cure this alleged ambiguity, rules out these enhanced punishment options. Instead, concerned about the possible prosecution of people for killing mosquitoes and cutting down plants, this Court concludes that "the legislature intended to permit a deadly weapon finding for those weapons that are used or exhibited against humans only." (Pritchard, at p. 11)

In fact, Tex. Penal Code §1.07(17) is not ambiguous, and does not require a "victim," human or otherwise. To add such a requirement thwarts the plain language of the of the deadly weapon provisions, renders useless the distinction between deadly weapons as used and deadly weapons by

design, and could lead to far more realistic and problematic issues in implementation than the potentially absurd results put forth by appellant. For these reasons, the State prays that the Court reconsider its holding.

1. The Court's opinion in *Prichard* finds ambiguity where none exists.

This Court repeatedly states in *Prichard* that the definition of a deadly weapon is ambiguous, but the definition in Penal Code §1.07(17) is quite clear – there is no requirement that a deadly weapon be used or exhibited against a human being. Instead, the deadly weapon statute has been interpreted broadly enough to include findings of a deadly weapon when the “weapon” is not one normally considered deadly,² when a deadly weapon finding might seem redundant given the facts of the crime,³ and when there is no victim, human or animal, to be found.⁴ Today, by creating this extra-textual requirement of a human victim, the Court goes beyond addressing any ambiguity and enters the arena of the legislation. This response is overbroad and unnecessary.

² *Hays v. State*, 728 S.W.2d 804, 808 (Tex. Crim. App. 1987) (finding a coke bottle to be a deadly weapon).

³ *Mims v. State*, 335 S.W.3d 247 (Tex. App. –Houston [1st Dist.] 2010, pet. ref'd) (conduct of starting fire supported both conviction for offense of arson and deadly weapon finding).

⁴⁴ *Patterson v. State*, *infra*.

A. Injury to a plant does not fit within the definition of causing “death or serious bodily injury” under the deadly weapon statute.

The primary concern of the Court, hinted at throughout the opinion, is how broadly the deadly weapon statute could be applied. For example, the Court repeats appellant’s argument that reasonable people could determine that the “death or serious bodily injury” requirement for a deadly weapon finding could refer to “death or serious bodily injury” of a plant. (*Prichard*, at p. 11). Neither the broader legal definition of death as “the ending of life; the cessation of all vital functions and signs,”⁵ nor the definition of “serious bodily injury,” as “serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ,”⁶ would be interpreted by a reasonable person as referring to a daisy. Likewise “bodily injury,” defined as “physical pain, illness or impairment of physical condition” would not be read by a reasonable person as applying to a sunflower.

Reasonable people would, however, imagine an animal suffering “death,” “serious bodily injury” or “bodily injury” as those terms are normally or statutorily defined. We should, therefore, dispense with the

⁵ Death, BLACK'S LAW DICTIONARY 484 (10th ed. 2014)

⁶ Tex. Penal Code § 1.07(a)(46).

theory that plants are the subject of this legislation, and so remove much of the ambiguity and absurdity which seems to trouble this Court.

B. It is not “unusual” to refer to serious bodily injury or “death” in relation to an animal.

The Court in *Prichard* next attempts to create ambiguity out of use of the terms “serious bodily injury,” “bodily injury,” or “death” in relation to an animal. (*Prichard*, at p. 5). The State is puzzled by the conclusion that “it would be unusual to refer to a nonhuman as having ‘serious bodily injury’” and “unusual to apply the definition for ‘bodily injury’ to a nonhuman,” when the very animal cruelty statute at issue in this case does just that. *See* Tex. Penal Code § 42.092(b)(2)(making it a crime to cause “serious bodily injury to an animal.” In fact, the primary purpose of the animal cruelty statute at issue here appears to address the “pain and suffering” inflicted on animals by humans. §§ 42.092(a)(3),(8), (b)(1-9).

Yet the Court seems to suggest that “serious bodily injury” in the animal cruelty statute does not mean “serious bodily injury” as defined in Tex. Penal Code § 1.07(a)(46) (“We additionally note that the two statutes use the same phrase “serious bodily injury,” but that phrase has different proof requirements and meanings in each context.”)(*Pritchard*, at p. 6). If the

definition of serious bodily injury in the animal cruelty statute is not the same statutory definition as laid out in § 1.07(46), what definition should we use, and what does it mean? The definition of serious bodily injury, regardless of whether there are additional qualifying requirements in the animal cruelty statute, should still be the same. There is no ambiguity here.

C. There is no significance to the use of the term “kill” in the animal cruelty statute vs “death” in the deadly weapon statute.

While this Court acknowledges that the Tex. Penal Code 42.092 and Tex. Penal Code 1.07(17) each use the same phrase “serious bodily injury,” it finds this similarity negated by the fact that the animal cruelty statute uses the term “kill,” whereas the deadly weapon statute uses the word “death.” Tex. Penal Code §§ 1.07(a)(46), 42.092(b) (*Prichard*, at p. 6).

This distinction appears to be more a matter of grammar than substance. The animal cruelty statute describes actions, making it illegal, for example, to “torture,” “kill,” “administer poison to,” or “cause serious bodily injury to an animal.” Tex. Penal Code § 42.092(b). “Death” in the deadly weapon statute, however, is not a verb; it is used to describe an instrument “adapted for the purpose of inflicting death” or “capable of causing death.”

“Inflicting kill” or “capable of causing kill” would make no grammatical sense.

Furthermore, this Court itself does not appear to distinguish between “cause the death of” and “kill” in its own caselaw, and uses the term “kill” repeatedly when discussing murder cases where a deadly weapon was used. *See Adandanus v. State*, 866 S.W.2d 10 (Tex. Crim. App. 1993) (discussing how, in a felony murder case, “[i]ntent to kill may be inferred from the use of a deadly weapon in a deadly manner.” *Godsey v. State*, 719 S.W.2d 578, 581 (Tex. Crim. App. 1986)(noting that attempted murder requires proof of “a specific intent to kill.”). *Balderas v. State*, 517 S.W.3d 756, 763 (Tex. Crim. App. 2016)(referring to events that occurred “[t]hree or four days before Hernandez’s killing”) *See also, Ex parte Medrano*, __S.W.2d __, 2017 WL 554779, at *3 (Tex. Crim. App. 2017)(J. Alcala dissenting)(referring to “the killings of these six people.”).

Finally, many offenses to which a deadly weapon finding can apply have no reference to “kill” or “serious bodily injury” whatsoever. They are simply felony offenses, like possession of controlled substances cases, to which a deadly weapon finding can be applied, as should be the case in all felony offenses given the appropriate facts. That the animal cruelty statute uses the word “kill” while the statutes concerning deadly weapon findings

refer to an instrument as “capable of causing death or serious bodily injury” does not create ambiguity.

Nonetheless, this Court seems set on finding ambiguity, and solving it by adding additional requirements to the deadly weapon statute. The result is a major change in deadly weapon caselaw, with the potential for ambiguity of its own.

2. The requirement that a deadly weapon finding be made for weapons used or exhibited against “human victims only” adds an element not currently present in the definition of a deadly weapon.

A. Deadly weapons findings are not limited to “crimes against a person.”

In *Patterson v. State*, this Court agreed with the statement that “*all felonies* are theoretically susceptible to an affirmative finding of use or exhibition of a deadly weapon.” *Patterson v. State*, 769 S.W.2d 938, 940 (Tex. Crim. App. 1989) (emphasis by this Court). Similarly, Tex. Code Crim. Proc. Art. 42.12 requires only that a deadly weapon be used or exhibited “during the commission of a felony offense or during immediate flight therefrom....” *Accord, Mims v. State*, 335 S.W.3d 247, 251 (Tex. App. –Houston [1st Dist.] 2010, pet. ref’d)(“article 42.12, section 3g(a)(2) of the Code of Criminal

Procedure authorizes the trial court to enter a deadly weapon finding in all felony cases.”).

The law on deadly weapons was thus straightforward and well settled; the only requirement being that the deadly weapon used or exhibited helped facilitate the commission of the offense. *See Patterson*, 769 S.W. 3d at 940 (upholding a deadly weapon finding in a possession of methamphetamine case on the basis that the deadly weapon “protected and facilitated appellant’s care, custody, and management of the contraband.”); *cf. Plummer v. State*, 410 S.W.3d 855 (Tex. Crim. App. 2013)(holding that the defendant did not “exhibit” a deadly weapon during the offense of unlawful possession of body armor by a felon when the defendant’s possession of a handgun did not play any role in facilitating the offense of possession of body armor.)

Yet by its opinion in *Prichard*, this Court has now expressly prohibited the State from seeking a deadly weapon finding for an entire class of offenses; those committed against animals. *See* Tex. Penal Code § 42.09(cruelty to livestock), 42.092 (cruelty to non-livestock).⁷ Ironically,

⁷ Though not mentioned by this Court, presumably other offenses against animals, such as Attack on an Assistance Animal (Tex. Penal Code § 42.091), Dogfighting (Tex. Penal Code § 42.10) and Cockfighting (Tex. Penal Code § 42.105) would also not be eligible for a deadly weapon finding, since the “victims” are presumably the assistance animals, dogs, or cocks.

these offenses include some of the most horrific acts of violence seen at this office.⁸

B. This Court has never required a victim for a deadly weapon finding, much less a human victim.

Unfortunately, this court's opinion in *Prichard* could go further than having an effect on animal cruelty cases, overruling a long line of caselaw where deadly weapon findings have been upheld *where there is no victim at all*. In *Coleman*, for example, the mere presence of a gun in the same vicinity as a drug dealer's stash of illegal contraband was found to support a deadly weapon finding. *Coleman v. State*, 145 S.W.3d 649 (Tex. Crim. App. 2004).

This Court noted that:

“[t]he real question is whether the weapons are found to have facilitated Appellant's possession and intended distribution of the drugs. In this case, a rational jury could have found that Appellant ‘used’ the weapons in order to facilitate his possession and distribution of the narcotics.”

Coleman, 145 S.W.3d at 655. Using the same test in the instant case, could the jury have found that appellant used a deadly weapon in this case in order to facilitate his commission of animal cruelty? If the jury could, then under

⁸ A sampling of the types of animal cruelty cases filed by our office under these sections of the penal code is attached as Appendix A. The Court should take note that there are no “mosquito” or “fly” cases among them.

Coleman, the deadly weapon finding must stand. Is *Coleman* no longer good law?

C. Are we now required to prove, after Pritchard, who “might” be a possible victim in a case?

The State anticipates an argument that offenses like possession of drugs are more likely to involve interactions with human, not animals, and so are more likely to lead to violence with people. But do *Patterson* and *Coleman* support this supposition? The defendant in *Coleman* was not even present in his home at the time the deadly weapons were found, nor was there any indication that any other person was present in the home, had ever entered the home to purchase drugs, or had ever been exposed to the weapons.⁹ Likewise in *Patterson* the defendant merely possessed a weapon in his home. These are not cases where a defendant is brandishing a weapon in public, or exposing the community to any increased act of violence.

Moreover, the requirement of a human victim gives drug dealers, burglars, and criminals in general a brilliant defense against a deadly weapon finding; that they never intended to harm a human being. Might drug dealers, for example, contend that they would have never used or

⁹ This Court noted that appellant told others he lived alone in the house, and appellant had been suspected of selling drugs out of his vehicle, not his home.

exhibited the weapon in question against a person? Could burglars, in breaking into a home or building, have a defense to a deadly weapon finding by proving they carried a gun only to shoot any possible guard dogs? Can those committing arson avoid a deadly weapon finding for the use of fire in burning down a home by claiming they believed no one was home but the family cat? By grafting on the requirement that a deadly weapon must have an intended human victim, this Court is opening the gate to all these types of defenses, and its own Pandora's box of absurd results.

D. Are deadly weapons per se under §1.07(a)(17)(A) no longer “deadly” if they are used against a victim other than a human being?

This Court's determination that “a deadly weapon finding is disallowed when the recipient or victim is nonhuman” is also in direct conflict with the plain language and this Court's prior analysis of Texas Penal Code § 1.07(a)(17)(A). This subsection provides that “a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury” are deadly weapons per se, without regard to the manner in which they are used. *See gen. Ex parte Franklin*, 757 S.W.2d 778, 782 (Tex. Crim. App. 1988) discussing various firearms such as revolvers, shotguns and pistols as “deadly weapons per se.”)(*McCain v. State*, 22 S.W.3d

497, 502 (Tex. Crim. App. 2000) Consequently, this Court has rejected looking at the usage of deadly weapons under § 1.07(a)(17)(A), holding that “[t]o import usage into subsection (A) would render subsection (B) meaningless.” By its opinion in *Prichard*, however, this Court has done just what it has said could not be done; grafting a usage requirement onto §1.07(a)(17)(A) and requiring that a deadly weapon per se like a shotgun or revolver *cannot* be a deadly weapon unless it is used against a human being. This construction, made to avoid potential ambiguity, goes against the express wording of §1.07(a)(17)(A), and decades of caselaw. See, e.g., *Thomas v. State*, 821 S.W.2d 616, 619 (Tex. Crim. App. 1991)(discussing the history of deadly weapon caselaw in Texas and acknowledging that, since 1974, some objects “specifically designed, made, or adapted to cause serious bodily injury were classified as deadly weapons *regardless of their usage.*” (emphasis added)).

3. A review of the legislatures’ intent does not support the Court’s holding in this case.

Finally, if the purpose of the deadly weapon legislation is, as this Court concludes, to “protect people from criminals who bring firearms and other weapons to commit their offenses,” (*Prichard*, p. 8) then that purpose has long since been abandoned. Individuals are routinely found guilty of deadly

weapon findings when the weapon is as seemingly harmless as a foot,¹⁰ a dustpan,¹¹ or, (this attorney's personal favorite), a statue of Baby Jesus.¹² Similarly a vehicle, simply driven recklessly, can be a deadly weapon,¹³ or a gun kept in one's own home on the assumption that it safeguards a drug business.¹⁴ This Court would be hard pressed to explain how any of these cases advance the legislative purpose of preventing individual bringing from inherently deadly weapons into public places. Yet this Court and others seem not troubled to routinely affirm affirmative deadly weapon findings on these fact. ¹⁵ If anything, this case and the cases referred to in State's Appendix A involve a greater degree of violence than cases like *Coleman*, *supra*, and

¹⁰ *Powell v. State*, 939 S.W.2d 713, 718-19 (Tex. App.—El Paso 1997, no pet.)

¹¹ *Quintana v. State*, 777 S.W.2d 474 (Tex. App. –Corpus Christi 1989, pet. ref'd)

¹² *Padilla v. State*, 254 S.W.3d 585 (Tex. App. –Eastland 2008, pet. ref'd).

¹³ *Mann v. State*, 58 S.W. 3d 132 (Tex. Crim. App. 2001).

¹⁴ *Coleman*, 145 S.W.3d at 655.

¹⁵ Judge Teague, however, growing frustrated with the number of deadly weapon cases, and presented with this Court's holding that an "unknown weapon" was a deadly weapon, "strongly suggest[ed] to the next Legislature that it amend Art. 42.12, § 3g ... so that every single offense in the Penal Code will be an enumerated offense. At least this will eliminate the need for this Court to unnecessarily spend, approximately every six months, many hours re-resolving a deadly weapon issue, and writing on what appears to be a clean plate." *See Mixon v. State*, 804 S.W.2d 107, 110 (Tex. Crim. App. 1991)(J. Teague, dissenting).

perpetrators of these types of offenses are more likely to be involved in violent crimes in the future.¹⁶

4. The absurd results the Court fears could already happen now under current law, but common sense and prosecutorial discretion prevent them.

Finally, the extreme cases appellant and this Court refer to, prosecution and criminal punishment for the killing of a mosquito or fly, for example (and a heightened punishment range for a serial swatter of such insects) would be absurd *regardless of whether a deadly weapon finding was possible or not*. The legislature, in fact, has shown its desire to increase punishment for animal cruelty cases like the offense in *Prichard* by passing S.B. 762, increasing the severity of this type of animal cruelty offense from a state jail felony to a felony of the third or second degree, depending on whether a defendant has been previously convicted of the offense.

¹⁶ Pet abuse is one of four predictors of domestic partner violence, according to a six-year "gold standard" study conducted in 11 metropolitan cities. In both domestic violence and child-abuse situations, abusers may manipulate and control their human victims through threatened or actual violence against family pets. Walton-Moss, B. J., Manganello, J., Frye, V., & Campbell, J. C. (2005). "Risk factors for intimate partner violence and associated injury among urban women." *Journal of Community Health*, 30(5), 377–389. Researchers have found that between 71% and 83% of women entering domestic violence shelters reported that their partners also abused or killed the family pet. And another study found that in families under supervision for physical abuse of their children, pet abuse was concurrent in 88% of the families. *Id.*

Thus, it is possible that someone could conceivably be punished for being a repeat killer of a pet mouse, rabbit, or a rat, as the Court suggested. What prevents this? Not this court's opinion, but common sense and prosecutorial discretion, as always.

"The 'absurd results' concept is not an open invitation for courts to second-guess legislative policy decisions in the guise of 'construing' statutes, but a check against blindly narrow and out-of-context readings of statutory language that the Legislature could not possibly have meant." *Alejos v. State*, 433 S.W.3d 112, 121 (Tex. App. –Austin, 2014, no pet.). The Court's reliance on possible "absurd results" does not support its determination that the deadly weapon finding is ambiguous, since these "absurd results" are something the legislature has made possible with or without a deadly weapon finding.

5. Conclusion

There is a presumption, in interpreting a statute, that the "Legislature included each word in the statute for a purpose" and that "the words not included were purposefully omitted." *In re M.N.*, 262 S.W.3d 799, 802 (Tex. 2008). The legislature, in drafting the definition of a deadly weapon and its applicability to all felony cases, could have required that the deadly weapon

be used or exhibited against a human being, but it did not. Writing such a requirement into the law now in order to clear of a perceived “ambiguity” would be to ignore the precedent of this Court, substitute the Court’s beliefs for the legislature’s actions, and ignore recent legislation which highlights the legislature’s intent in punishing more severely this very type of crime.

The deadly weapon statute is not overly broad or ambiguous. It says what it says, and means what it means. This Court’s attempt to rewrite the deadly weapon statute by adding the requirement that a deadly weapon must be “used or exhibited against humans only” is unworkable and unnecessary.



PRAYER

The State, and in particular the Harris County District Attorney's Office, hopes that this Court will withdraw its opinion in *Prichard*, and issue in its stead one affirming this case.

KIM OGG
District Attorney
Harris County, Texas

/s/Kimberly Aperauch Stelter

KIMBERLY APERAUCH STELTER
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002
(713) 755-5826
State Bar Number: 19141400
stelter_kimberly@dao.hctx.net

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument is being served by EFileTXCourts.Gov e-filer to the following email address

Stacey Soule
State Prosecuting Attorney
information@spa.texas.gov

/s/ Kimberly Aperauch Stelter

KIMBERLY APERAUCH STELTER
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002
(713) 274-5826
State Bar Number: 19141400
stelter_kimberly@dao.hctx.net

CERTIFICATE OF COMPLIANCE

The undersigned attorney certifies that this computer-generated document has a word count of 8,772 words, based upon the representation provided by the word processing program that was used to create the document.

/s/ Kimberly Aperauch Stelter

KIMBERLY APERAUCH STELTER
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002-1923
(713) 274-5826
TBC No. 19141400
stelter_kimberly@dao.hctx.net

APPENDIX A

**Case summaries of animal cruelty offenses
filed by the Harris County District Attorney's Office**

Brent justice – 1385768 & Ashley Richards – 1385762/1385763/1385765

The defendant, Ashley Nicole Richards, tortured animals, mainly kittens and puppies during the making of crush videos which defendant Brent Justice filmed, marketed, sold and profited from the sale of the snuff videos to the public via the internet. In one of these videos, Richards threw a black, white and gray "tabby" cat to the ground while the cat's paws were covered with tape. She then squeezed and shook the cat's neck, pushed the heel of her high heel shoe into the cat's mouth, struck the cat multiple times with a meat cleaver, severed it's paw with a meat cleaver, poured salt on the cat's open wounds, inserted the blade of a dagger into the cat's anus numerous times, chopped off the cat's arm, ripped the skin of the cat with her hands, and ultimately used a meat cleaver to chop and saw the cat's neck from its body finally killing the cat. In a different video, Richards tortures a black dog. The dog's front paws were taped together and the dog's mouth was taped shut. Richards picked up the dog by the back of the neck and dropped the dog to the floor. She then stepped on the dog and kicked the dog, chopped the dog's rear leg with a meat cleaver, sawed on the underside of the dog's neck with a knife, squeezed and twisted the dog's neck with her hands, punctured the dog's neck with a knife and ripped the dog's neck open, chopped and sawed on the dog's neck with a meat cleaver multiple times, until the dog's eventually died due to its head being severed from its body. After the dog died, Richards struck the dog's severed head with the meat cleaver embedding the meat cleaver into the top of the dog's head stating, "Did you enjoy it? Not as much as I did." In another video, a kitten was taped to cardboard on the floor in the kitchen. Richards put on a pair of high heel black boots and proceeded to step on the kitten, insert the left heel of her boot into the throat of the kitten while the kitten screamed and struggled. In an additional video series involving a bound calico kitten, Richards stepped on a black cat with the heel of her shoe, inserted the heel of her high heel shoe into the cat's eye numerous times while the cat's legs were bound, and pushed her heel into the cat's body. In another video, Brent Justice is seen giving Ashley Richards a large knife while she is torturing a puppy in multiple egregious ways. It should be noted that there were dozens of other torturous acts committed by these defendants and that each of these animals were tortured while alive. It should also be noted that each act of torture was becoming progressively more violent and these defendants were in the process of recruiting and training other young females to participate in the tortures as well. Shortly before they were arrested, the defendants were also communicating with clients regarding similarly torturing a young boy or homeless man for the right "price" if they could find a victim that would not be missed by the public and they could figure out how to evade law enforcement.

"Troy" Minh Hoang – 1396364

Witness came home and observed the complainant's dog underneath the couch. Witness went over to the dog and picked the dog up. Upon moving the dog's hair from his eyes, witness observed the dog's right eye bleeding and bulging almost out of its socket. The dog's left eye

was also red. The defendant was in his bedroom at this time. The defendant ultimately admitted to police that the dog was barking and in order to shut the dog up, he grabbed a stick and "beat" the dog with it because he was tired of the dog. The dog in this case was a poodle.

Ziedler, Richard Henry 1369835

The defendant was intoxicated and stomped his neighbor's dog to death for trying to mate with his dog causing him to "lose his temper."

Jacob Davis – 1395353

The fire department was called out regarding a fire investigation and found the remains of a dog burned in a storm sewer. The investigator observed home video from a nearby residence that captured the incident, which showed a male exiting a black passenger vehicle that had black wheels. The investigator located rabies tags and remains of a brown garment bag in the sewer underneath the dog. The rabies tags were registered to a woman living a block away from the incident location. Through this information and a tip, the investigator located the defendant who stated that he wrapped his mother's dog Rosco up in a sheet, put him in a bag and burned him in the storm sewer. A necropsy on the dog indicated that the dog was a half terrier mix that also had stab wounds and that the dog had been alive when it was stabbed and lit on fire. The defendant's mother reported the defendant was mad at her when she left the house that day because she was leaving for work and not giving him any money.

Anthony Bernard Davis – 1398802/1398804

Officers responded to a call about water leaking into an apartment from the room above. Upon arrival, officers located entered the upper apartment and located a dead cat near the front door, as well as several holes in the walls with several more dead cats in them. There were blood splatters on the kitchen counter and a medium sized hammer with red residue on it which they believed to be blood. Two cats were found alive. One could not move at the scene and was later euthanized because of a broken jaw that could not be fixed. The second, a kitten, had to be euthanized because it could not survive without its mother. The defendant and former resident of the apartment left messages on his partner's phone stating, "...Oh I killed your cats they dead..." and "...bitch it's your turn. I'm gonna hurt you seriously just like I killed your cats. I'm gonna kill you."

Marco Alberto Ramos – 1407498

Witnesses observed the defendant take a baseball bat and beat his dog over the head at least two times, causing the dog to bleed profusely and fall to the ground. The witnesses then observed that the dog could not get up and was swaying in pain. The defendant then obtained a garbage bag and placed the dog into the garbage bag while it was still breathing and moving and threw the bag into the back of his truck, leaving the scene. The defendant told police that he was cooking some fajita meat and left the meat in a bowl on the table outside when he went in to use the restroom. When he returned, he found the dog eating his meat. The defendant approached the dog yelling, and the dog growled and bit him on the hand. The defendant said he got a board, hit the dog several times, and when he knew the dog was dying, he took the dog to a dumpster in an apartment complex. The officer only observed one small round injury on the Defendant's knuckle that could have been a tooth mark from where the dog allegedly bit him, but the reaction was beyond necessary recourse. The witnesses also reported that the defendant does not feed his dogs and perhaps the dog took the meat because it was hungry.

Mark Allen Mathis – 1431390/1431391

Police responded to a call of two cats being abused. One was found with an injured tail that required surgery. The second cat was found unable to walk. The vet discovered the cats had been shot, one of which was shot in the spine with a pellet gun. Other cats in the same neighborhood were reportedly been shot as well. Police were provided with a license plate number of a car that was around during the shooting. The defendant was identified by his license plate and stated that he did not like the neighbors letting their cats roam outside. The rifle and pellets were recovered from the defendant's property. Defendant stated he did not remember how many cats he shot, but that he also shot possums and skunks. One of the cats could not walk properly after surgery and required a back brace. A member of the neighborhood stated that he knew of several cats that had been shot and killed.

Michael Houston Porterfield - 1437025

Defendant (the complainant's adult son) killed a family dog with a samurai sword on the back porch of the parents' home after the parents went to dinner without him. Defendant also sent the father threatening text messages implying he killed their dog. The dog was wrapped up in a blanket on the back porch, and had many puncture wounds all over the body. The defendant admitted to killing the dog because he was angry at his dad and wanted attention. The vet report indicated that dog had been stabbed numerous times with a knife or other sharp object, and that the fatal wound was 80mm deep to the back.

Jonathan Andrada – 1443479

Defendant killed one of his ex-girlfriend's dogs by putting one in the washing machine and dumping its carcass in a nearby neighborhood. He injured the other by punching it and twisting its leg. A vet found that the dog's left elbow was abnormally separated, and stated that such a separation would cause the dog discrete pain. The defendant admitted that he assaulted the dogs and analogized the beatings to assaulting a man at a bar for talking to your girlfriend. He expressed how good it felt to feel his fist hitting the dog repeatedly. He also admitted that he assaulted the dogs because the complainant gave them more attention that she gave him.

Jonathan Perez – 1457001

The defendant stabbed a dog multiple times after getting into an argument with the complainant. Upon veterinary examination, 15 lacerations consistent with penetration by a sharp object were observed. The thoracic and abdominal cavities were both penetrated, and the aorta (the main vessel that carries blood away from the heart) was shredded, resulting in internal bleeding that had killed the animal. A neighbor bore witness to the event through her fence.

Rebekah Holly Speer – 1456999/1457000

The complainant filed for divorce against the defendant. The defendant then threatened to kill his dogs and if he came home, she threatened to kill him too. Officers were called to a location and found several deceased dogs, some of which were shot and others which were stabbed to death.

Jazmin Hernandez – 1462453

Defendant thought the complainant was cheating on her and she was upset with the complainant's family. She took the shirts off of her children and locked them in a back room. She then took the family dog and drowned it in a bucket of water in the back yard. She later confessed to drowning the dog, taking it out of the bucket and snapping its neck and putting it back in the bucket of water, but claimed the act of violence was due to her being possessed by an evil spirit. She did not report any previous history of mental health issues. Upon examination, the vet stated that the likely cause of death was a broken neck.

Jessico Ramirez – 1467540

Defendant was reported to have shot and killed the neighbor's puppy with a pellet gun for no apparent reason. He told his mother he did not think he killed it and was laughing about it during conversations with police. He claimed the dog had been defecating on his lawn. Officers noted that the puppy was located on the sidewalk and not on the defendant's property. Defendant had a history of stalking this neighbor and masterbating outside of her window on a previous occasion.

Giovanni Francisco de Ochoa Galvez – 1476645

The defendant admitted to officers that he had choked his dog to death. Upon investigation, officers found that he had made the same disclosure to several other witnesses.

Cheryl Kay Mathis – 1479287/1479288

Officers responded to a call of an assault in progress, where the witness stated that the defendant had killed two of his puppies without his consent. Upon examination, one dog suffered a fracture to the calvarium (upper skullcap) and a hematoma before death. The second dog had blood in the mouth cavity and on the nostrils, as well as bruising under the skull that was suggestive of head trauma. The witness stated that he had been involved in a disturbance with the defendant. He then witnessed the defendant pick up two of the his puppies and, one by one, throw them to the ground about 25 feet away.

Lewis Hall Jacobs – 1487357

A witness observed the defendant shoot a dog on the sidewalk 4-5 times. Upon arrival at the defendant's location, an officer observed a dog matching the description lying dead next to the sidewalk with bullet wounds to the chest and jaw. Upon examination, the cause of death was determined to be a bullet wound to the thoracic cavity and aspiration of blood due to a throat wound.

Yesica Tzoc – 1492050

Responding to a report of injury to a child, officers discovered the defendant praying near the dumpster by her dead dog who had the family bird, along with a metal curtain rod, shoved

down its throat. The vet determined the dog died of asphyxiation. The defendant stated she was mad at the dog for bumping into her and biting at her.

Herber Martinez – 1494405

The defendant was detained after police positively identified him from metro train station surveillance footage after the defendant removed a dismembered cat from a backpack, tied it to the seat in front of him, and left the train. The cat had been beheaded with an unknown weapon. While the defendant denied killing the cat and claimed he found the beheaded cat in a backpack by a dumpster, the cat was determined to be his girlfriend's cat and the backpack was identified as a backpack from her residence. The defendant also had one of the cat's paws in his pocket during his interview with police. Additionally, investigators located cat blood on the cabinetry of the girlfriend's bathroom and found previous computer searches done by the defendant where he researched how to kill cats in the microwave and various acts of bestiality.

Abel Galindo – 1502015

Officers responded to a terroristic threat call, where the complainant stated the defendant had attacked their dog with a knife. The complainant stated the defendant was coming at her with a knife during an argument and turned and intentionally cut the dog instead. The complainant's son also witnessed the incident. The officer observed a 5-6 inch laceration on the dog, which was deep and caused the dog enough pain to keep it from walking.

Colleen Edwards – 1507011

Complainant reported that the defendant walked into his back yard and picked up his Labrador puppy and struck its head on a table. The defendant then left with the dog, carrying a large fork similar to a grilling fork. Officers went to the defendant's house and observed blood on her hands and right foot. The dog was not recovered.

Michael Stephen Grothaus – 1512025

Defendant shot the complainant's dog. The defendant admitted to the police that he shot the dog. Witnesses saw the defendant kick the dog multiple times, pick it up by its neck and throw it to the ground. Another witness saw the defendant standing over the dog saying "Stay down you dumb ass dog." The dog suffered 2 gunshot wounds, one to the right side that lodged in the ribs, and a second that entered the top of the skull and lodged in the dog's mandible.

Ray Dennis Withrow – 1510477

Officers were called to a residence where they found a dog dying in the street with several cut marks to the neck. There was a large amount of blood splattered on the walls of the residence. They searched the home and found a large pool of blood in the utility room and on the walls. There was also a machete with fresh blood and hair, as well as a bloody pellet gun. A second dog was dead in the back yard with its throat cut.

Jerry Jabar Lofton – 1515454

The defendant was seen picking up the family dog by the collar and spinning it around over his head before slamming it into the ground. Upon later investigation, another family member stated the defendant had grabbed the dog because they were arguing. Defendant also tried to break the dog's neck and ran water over the dogs head with a hose to keep it from breathing. The defendant was reported to have been previously violent with family members.

Sterling Endsley – 1521141

The complainant stated the defendant is his neighbor and was walking past his house when he detoured off the sidewalk and shot the complainant's dog for no apparent reason.

Darin Waldroup – 1526770

Defendant was seen on camera entering his neighbor's yard to retrieve a cat. The cat is alive when first seen on the video being grabbed by the defendant and carried away. As the next camera picks up the motion, defendant is seen holding the limp cat while walking down the driveway, tossing it over a fence into the adjacent vacant lot where the cat is ultimately recovered.

Simon Harris, Jr. – 1528658

Officers responded to a call of a dog whose face had ballooned and substantially swollen to a larger size. Upon arrival the officers found a tight belt and an infected wound around the dog's neck. The defendant stated he used the belt as a leash and collar because he could not afford one and that the dog would tighten it when he ran after people or animals in the yard. Upon examination, a vet determined that the belt had become embedded in the dog's neck, causing

restricted circulation and infection. He also noted the dog was severely malnourished, with a body condition score of 2, on a scale from 1 to 9 with 5 being ideal.

Christopher Codgill – 1481077

Officers responded to a call from the complainant that her boyfriend, the defendant, had assaulted her and her dog. She was out late, and the defendant stated if she did not come home he would kill her dog. When she got home, he threatened her with a gun and hog tied her in the living room, covering her head with a towel and gagging her. He later untied her, but continued to threaten her life. Her dog got out of the closet where the defendant had trapped it, and the defendant beat it with his gun and an electric guitar. He also strangled the dog, and the complainant reported that it frequently yelped in pain and vomited from being strangled. The dog had a laceration and a large knot on its head. The defendant was charged with aggravated assault with a deadly weapon as well as cruelty to non-livestock animals.

Kenneth Branch – 1524880

Two complainants called officers and reported that the defendant had threatened them both with a knife and stabbed their dog. There were pools of blood in the house as well as bloody prints leading to the deceased dog in the back yard.

Pending Cases Utilizing the DW Enhancement

Arthur Kelvin Lovell – 1502265

Officers were called to a mechanic shop when the defendant was seen by multiple witnesses stabbing a puppy repeatedly. The defendant had left the dog at the shop overnight and was upset that they did not want to pay him for the animal. Police picked up the suspect at his house, where he mentioned having sex with and killing dogs, burying them in the back yard, and keeping their skulls as trophies. He voluntarily allowed the officers to search his residence, where they located a number of animal skulls. The defendant was previously convicted of burglary of a habitation where he stole multiple pairs of children's underwear from his neighbor's home. He is also facing charges of aggravated assault with a deadly weapon from an unrelated stabbing.

Ezekiel Pitts – 1504684/1504685

Officers were made aware of an incident where the defendant had thrown a hazardous cleaning chemical on two animals while cleaning at Petsmart's boarding facility. The defendant diluted the chemical to clean out the play area and then threw un-diluted substance onto the two dogs. The defendant knew about the danger of the undiluted substance, as he had been injured by the chemical before and had been re-trained on its proper use by Petsmart.

Otoniel Campos-Zacarias – 1509425

The defendant hung the family dog by a rope on a fence outside. The defendant told police that his family had a dog for about a month, but he no longer wanted it. He admitted to taking the dog and tying it to a fence. He also admitted to hanging the dog and killing it because he no longer wanted it.

Terry Wayne Reed – 1516369

A witness saw the defendant shoot and kill two dogs without any apparent reason. The witness stated that the dogs did not provoke the defendant. The witness asked why the defendant shot the animals. He did not answer, smirked and walked away. The defendant was charged with animal cruelty, as well as felon in possession of a weapon.

Arthur Jennings – 1510637

The complainant got into a verbal argument with the defendant when he became enraged and threw her to the ground, kicking her in her back and punching her in the face. The defendant then went and got the complainant's dog and took it outside. The complainant followed and watched the defendant pick the dog up over his head and throw it with force onto the concrete. The complainant was later told by her vet and the SPCA that the dog had suffered extensive injuries and needed to be euthanized.

Guillermo Ivan Ortega – 1518417

The defendant is accused of choking the complainant's dog while they were in a fight. The defendant later took the dog and hung him by a leash in the closet. The dog received emergency treatment, and the vet stated that, due to the trauma the dog had bled into its eyes

and was now blind. The defendant is currently in jail for assault family member- impeding breath and cruelty to non-livestock animals.

Hugh Macintyre – 1521630

The defendant stated to a witness that he sometimes shoots his pellet gun over his fence at the dog next door because the dog is obnoxious. A second witness went to tell the defendant that she heard reports of the defendant shooting the neighbor's dog, to which the defendant replied that he only meant to shoot it in the butt. The neighbor's dog had a pellet lodged in its right eye and was blinded in that eye as a result of this incident.

Hector Manuel Ramos – 1540027

The complainant reported she and the defendant were in a verbal altercation when the defendant became enraged. The defendant took a machete into the front yard and began to hit the dog with the blade end. The dog's skull and brain matter became exposed from a blow to the head that also severed the left ear completely from the body. The dog also suffered a severe laceration to the left shoulder, causing the shoulder bone to be exposed. The dog died from its injuries.

Reginald Lee Mcgaha – 1549343

The complainant invited the defendant to her apartment, where the defendant attempted to discipline her dog when it urinated on the floor by kicking and hitting it. The dog bit at the defendant in self-defense, so the defendant threw the dog against a wall. He placed the dog in a black trash bag and threw it down the second story trash chute while it was still alive. The dog was located alive the next day in the apartment's trash compactor. A vet noted it had bruising on its shoulders and head, swelling on the right shoulder and a hemorrhage in its eye. It also had abrasions on its left thigh and mild forelimb lameness. The defendant also has a continuance family violence assault charge pending, which he committed against the same complainant after the incident with her dog.

Arturo Alberto May – 1545970/1545969

The complainant called police to report that she witnessed the defendant shooting two cats in the complainant's backyard. She also reported that she saw the defendant shooting cats in the neighbor's backyard. She found her cats dead with a small gunshot wound to the head. The

defendant told police he was shooting the cats with a pellet gun to keep them from pooping and biting his flowers.

Jorge Hinojosa – 1549367

Officers interviewed multiple witnesses at a scene where a dog had been hit by a car. The witnesses stated that they saw a truck speed down the street and attempt to strike a dog in the road. The truck missed, slammed on the brakes, and reversed at a high speed in an attempt to hit the dog again. The truck again missed, slammed on the brakes, and drove forward, swerving left and right as the dog tried to run. The truck hit the dog, killed it, and sped away. The dog was observed still bleeding in the road when officers arrived. One witness recorded the license plate of the vehicle, which was linked to the defendant's mother, who said the defendant had been driving the truck that day. The defendant stated that he "may" have struck a dog that was chasing his truck.

Kenneth Keith Mitchell – 1553806

Police were called regarding the death of a dog. The dog's owner is the girlfriend of the defendant. She told police she left the apartment after an argument with the defendant and returned to find their dog dead on the front porch. She stated this was not a big deal, because she expected the defendant to kill the dog, and she would just get a new one. The defendant stated that the dog bit him around the ankles, and then bit his hands and arms when he tried to pick the dog up. He admitted to stomping on the dog's neck one time killing the dog.

Rodrigo Chacon-Amaya – 1549887

Defendant's mother hears a cat screaming loudly and gets up to see what happened. The defendant walks past her to the restroom with blood on his hand and wrist and she asks him what happened. The defendant admits to his mother that he killed a cat. She asked him why and he states, "Better a cat than a person." When the police arrive they locate an injured cat in the bushes. They question the defendant who tells the police he was angry after arguing about his step-father about getting a job, so he went outside and choked and skinned a cat. When he thought it was dead, he threw the cat into the dumpster and went inside to clean himself off. The defendant used a Schaffer multi-tool knife to cause the cat serious bodily injury.